

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JERRY J. MEEKS,

Plaintiff,

v.

Case No. 20-C-1734

JANE DOE,

Defendant.

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**DECISION AND ORDER**

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Plaintiff Jerry J. Meeks, a prisoner confined at the Wisconsin Resource Center, is representing himself in this action. On September 22, 2021, the Court ordered that, if Meeks desired to proceed with this action, he must file an amended complaint by October 25, 2021. Dkt. No. 30. The Court warned Meeks that, if he failed to do so or failed to explain why he was unable to do so by the deadline, the Court may dismiss this action. The deadline has passed, and Meeks did not file an amended complaint or request additional time to do so. The Court therefore concludes that he is not diligently prosecuting this action and will dismiss this action without prejudice. *See* Civil L. R. 41(c).

**IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice based on Meeks' failure to comply with the Court's order and based on his failure to diligently prosecute this action. The Clerk of Court shall enter judgment accordingly.

Dated at Green Bay, Wisconsin this 10th day of November, 2021.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge

This order and the judgment to follow are final. Plaintiff may appeal this Court's decision to the Court of Appeals for the Seventh Circuit by filing in this Court a notice of appeal within **30 days** of the entry of judgment. *See* Fed. R. App. P. 3, 4. This Court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. *See* Fed. R. App. P. 4(a)(5)(A). If Plaintiff appeals, he will be liable for the \$505.00 appellate filing fee regardless of the appeal's outcome. If Plaintiff seeks leave to proceed *in forma pauperis* on appeal, he must file a motion for leave to proceed *in forma pauperis* with this Court. *See* Fed. R. App. P. 24(a)(1). Plaintiff may be assessed another "strike" by the Court of Appeals if his appeal is found to be non-meritorious. *See* 28 U.S.C. §1915(g). If Plaintiff accumulates three strikes, he will not be able to file an action in federal court (except as a petition for habeas corpus relief) without prepaying the filing fee unless he demonstrates that he is in imminent danger of serious physical injury. *Id.*

Under certain circumstances, a party may ask this Court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within **28 days** of the entry of judgment. Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of judgment. The Court cannot extend these deadlines. *See* Fed. R. Civ. P. 6(b)(2).

A party is expected to closely review all applicable rules and determine, what, if any, further action is appropriate in a case.